(not to be destroyed)

Previous references.
Pol Revision 45 of Tarikere Pallegar
Family Section 6
S+A 285-10 & 1504 B. May 1911

1913.

File No. 384—13

Serial Nos. 1+2

(S & A)

Later references.
A 491 of 1914 & 2-6-5 B Nov 1914.
SHA 10-15 & 9-12, A. Sept 1914
" 43-18 & 1-2, 18 Dec, 1919.
S HA 59-1913 & 1-2-4-(1)
S HA 184. 20-2, 3, 719 B. A Guid 1520
S HA 59-22 & 1 3

GENERAL AND REVENUE SECRETARIAT.

S HA 34-31 (1-9)
— Dep 53/33.
SP 6-41-1 (1-4)

Serial Nos. 1+2

Part B. for August 1914

SUBJECT.

Disposal of the Pallegar Pension of the deceased Honnamma Nagathi of the Tarikere Pallegar Family

1. From the Asst Comptroller in charge of the State Hugin Treasury
No. 1728 & 27. 2. 14.

Reports that Honnamma Nagathi died on 9. 1. 1914 & recommends that the vacant stipend of Rs 126. 9. 0 p.m. be registered in the name of Sanjee Pattabhiramappa Naik, Head Gumastadar of the Tarikere Pallegar Fam.

To (1) the Khazanchi Bakshi, S & Treasury (2) Comptroller
No. H. 623-4 & 10. 8. 1914

Directs that the vacant half stipend be also disbursed to Sanjee Pattabhiramappa Naik with effect from 9. 1. 14

G. R. S. 58

H M Shyamsundar
22. 10. 14.

G.R.S. 11] 1913-14

GENERAL AND REVENUE SECRETARIAT

S.A

NOTES.

File No. 384-13

FILE HEADING.

Tarikere Pallegar Families

From

The Asst Comptroller in chg of the State Hugin Treasury

No. 172 Dated [illegible] Received 2.3.14

Diary No. 344	Enclos. 3	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forg. Copy of letter relating to the death of Honnamma Nagathi Pallegar Stipendiary of Tarikere Pallegar Family and recommend that the stipend may be transferred to the petitioner Sarja Bill [illegible] Nagathi Naik.

NOTES AND ORDERS.

Consequent on Honnamma Nagathi's death on 8th June 1914, the Pallegar stipend of Rs 126.9.0 which she was drawing is vacant and it is applied by Sarja Battabhiramappa naik, another stipendiary claiming it by reversion.

NOTES—First Sheet.

GPB—35,000—15-6-12

G. R. S. 12]

General and Revenue Secretariat. | S + A File No. 384 of 1913.

Serial No.

Action under disposal -

2. The Khazana Bakshi reports that the legal heirs under the Hindu Law to the deceased's stipend are her husband & grand they are (1) Venkatapathi Naik, daughter's son, & (2) Sarja Pattabhiramappa Naik, brother's son. In the two genealogical tables put up (one received with the letter under disposal & the other an old one filed in the office), both Venkatapathi Naik & Pattabhiramappa Naik are shown in the former but only Pattabhiramappa in the latter, No. 15. - [The two tables agree in the line of descent except at the start.]

Flag V

Flag S

3. The circumstances in life of Venkatapathi Naik young Kanumadi Zamindar under the protection of Court of Wards, Madras, were considered in S & A File No. 285-10 and it is a question whether his heirship should be reconsidered now.

Flag X

4. Sarja Pattabhiramappa Naik was the Beneficiary of the whole of this pension and the circumstances under which the pension began & the deceased & was disbursed to him & his uncle in equal shares are given in S & A file No. P.P. 182 of 13.6.1904

Flag T

5. The point for orders is whether the vacant stipend of Rs 176.9.0 should not go to Sarja Pattabhiramappa Naik as a reversionary claim.

13.3.14 14/3/16 Submitted Sarja Pattabhiramappa Naik the Beneficiary.

NOTE—Contn. sheet.

GPB—60,000—7-11-15

7. The Govt Adv. may be unofficially consulted Dmcr. 16/3/16

General and Revenue Secretariat. | S. & A. File No. 384 of 1913.

Serial No.

No H 98 & 17-3-1914 with 1 collection & other papers

8. Forwarded to Govt advocate for favour opinion on the question of succession involved in the case.

By Order,

For Secretary to Govt,
Gen'l & Rev Dept

SW 15/3

No. 39 dt 13-14

II 21/3

Under the circumstances disclosed in this file & in the previous Govt order Pattabhirama Bait may be preferred.

15.3.14

Subd for orders.

21.3.14 SW/10. The Govt Advocate's opinion herewith noted on file on 14-3-14

21-3-14

1. A draft order may be proposed suitably.

Draft 24/3

2. A draft is put up.

24.3.14 SW 25/3

Draft by Mr Foster

Please see papers concerned & file.

25.3.14

2. Fair draft is put up.

25.3.14 SW

NOTE—Contn. sheet

GPB—50,000—7-11-13

General and Revenue Secretariat. | S & A File No. 384 of 1913

Serial No.

Please put up the Madras rulings, if any, on the point.

Draw
28/3

15 Regarding succession to impartible property of a joint family the following rule was laid down by the Madras High Court in the Chittur Sollieni's case (Vide Naraganti .V. Venkatachala Pathi, 4 Mad H.R.):—

"When impartible property passes by survivor "ship from one line to another, it devolves not neces "sarily on the co-parcener nearest in blood, but "on the nearest co-parcener of the senior line."

[Vide page 739 of Mayne's Hindu Law, 7th Edn.]

16 The same view was upheld by the Privy Council in Appeals against the decision of the Madras High Court in Kachi Kalyana .V. Kachi Ayya (Udayar Palyam Case). Vide 32. I. A. 261

17 But in another case of succession to Zamindari of Manjachi before the Madras High Court previous to Udayar Palyam Case, the above rule was not followed and of the three claimants each representing a different line of succession, the claimant of the most junior line was preferred on the ground of his seniority in age and the following general principle were laid down:—

NOTE—Contn. sheet.

GPB—60,000—7-11-13

General and Revenue Secretariat. | S. & A. File No. 384 of 1913.

Serial No.

i) "that a rule of decision in regard to succession
"to impartible property is to be found in the
"Mitakshara law applicable to partible property,
"subject to such modifications as naturally
"flow from the character of an impartible
"Estate;

ii) "that the only modification which impartible
"-bility suggests in regard to the right of
"succession, is the existence of a special rule
"for the selection of a single heir when there
"are several heirs of the same class, who would
"be entitled to succeed to the property if it were
"partible under the general Hindu Law; &

iii) "that in the absence of a special custom, the
"rule of primo-geniture furnishes a ground
"of preference:

"that in determining who the single heir
"is according to these principles we have
"first to ascertain the class of heirs who
"would be entitled to the property if it
"were partible, regard being had to its
"nature as coparcenary or separate property,
"and we have next to select the heir by
"applying the special indicated above."

[Subramanya Sandya v. Siva Subramaiya.
17 Madras, L.R., 316, pp 325-327].

NOTE—Contn. sheet.

GPB—60,000—7-11-15

G. R. S. 12]

General and Revenue Secretariat.

S+A File No. 884 of 1913.

Serial No.

Order cannot be traced. No record can be found. The order in the file may therefore be applied for issue with Secretary's signature & not suppressed after opinion of the Govt Advocate.

Secy/

A tidy draft as revised may be put up

Draw
23/4

A tidy draft is put up.

23.4.14 Secy/

The draft order explaining the facts of the case may be approved. The Govt Advocate & the Secretariat take the same view in regard to the legal point involved.

9154
25.4.14

Draw)

Draw as agreed
25/4

22. I shall be obliged if the First Member will favour me with his views.

21-5-14

First Member)

Draw as agreed
23/5

Is there any precedent to show that these pensions do

NOTE—Contn. sheet.

GPB—60,000—7-13

G. R. S. 12]

General and Revenue Secretariat.

S & A File No. 384 of 1913.

Serial No.

not descend in the daughter's line? If there is not, the daughter's son is the preferable heir as I presume that the family was not undivided.

24 The daughter's son will have to be given a notice and asked if he ~~will~~ does not care for the pension. If he disclaims, it may go to the other man.

27/6/14

25. No precedent excluding the daughter's line is forthcoming.

26. Prior to the Rendition, Palleyan pensions were continued to the male members of the family & when there was no male issue at the time of a vacancy, the female members of the last male holder viz daughter, wives mothers were given discretionary life grants and these were not heritable by the sons of such female members, either natural born or adopted.

GPB—60,000—7-11-13

General and Revenue Secretariat. | S & A File No. 384 of 1914.

Serial No.

26 After the Rendition also the same principle of succession continued to some extent but the general principles ~~of the case~~ were modified are laid down in the G.O. No. C. 1678 & 29th Oct 1889 and again reiterated in G.O. No. 5187-95 ellis 795 & 30th Sept 1902. The change brought about is that the adoptions from among the next of kin and approved by Govt carried with them the right to receive the Sallegan pension continued to them by Govt.

76 & 77 / Hag 05

27 Reference is invited to the last sentence of para 9 of the first of the foregoing order laying down the general policy of Govt that "the strict enforcement of the rule (requiring that adoptions should be reported to Govt for approval) would be the means of keeping the pension in the same family, a result which is highly desirable on grounds other than those of mere conformity to Hindu Law."

28 Reference is also invited to the Devan's Minute of 23.6.1909 in S & A 125-08 at the notes relating to pp 2493.

29. No case is forthcoming in which a daughter's son's claim was preferred to that of a male Sapinda of the owner.

AM 6/7 Govt 3/7/14. 2

The pensions are mostly hereditary revenue lands or for Spl. services rendered to the Sovereign for which the generality

NOTE—Contn. sheet.

GPB—60,000—7-11-13

G. R. S. 12]

General and Revenue Secretariat. | S & A File No. 384 of 1913.

Serial No.

descend to the male line to the exclusion of all females, & there remaining then no female Cones Come in only when no male Claimant on the direct line existed as an escape. The fact that all these pensions are entered in the name of the Eldest male representative for the time being adds strength to the view.

(1st member) 4/7/14.

31. I am not convinced that these pensions should be held not to descend in the female line. There is no direct order to that effect. But as the late Pattabhiramen Nair originally drew the whole pension, the half now in suspense may be again added to his pension.

17/7/14

32. May the Raja's allowance be continued to the present Rani?

18/7/14

NOTE—Contn. sheet.

GP—60,000—7-11-13

G. R. S. 12]

3411

10

General and Revenue Secretariat.

S & A File No. 382 of 1913

Serial No.	
	Reference: Paragraph 22. (Diwan's Note)
	One First Member finally agrees to the proposal contained in the draft-over already sent up. It may be approved.
	Diwan 26/7
4857 27.7.14	Diwan
	Secretary
	Diwan S/P
	Secretary
2	To the Khazana Bakshi, S. H. Treasury & Comptroller
B	No. 623-4 dt 10.8.14
	Directs that the vacant half-stipend of Rs 126.9.0 be disbursed to Sanja Pattabhi-ramaiya with effect from 9.1.14, who has been enjoying the other half-in [illegible] right

NOTE—Contn. sheet.

GPB—60,000—7-11-1

State Huzur Treasury, Bangalore,

Dated, 27th February 1914.

From

The Assistant Comptroller in charge,
State Huzur Treasury,
B a n g a l o r e

DIARY No. 3411
1913-1914
SECTION 54
FILE No. 384—13
No. 1

To

R. R. Srinivasa Iyengar Esq., M.A.,
Secretary to the Government of Mysore,
General and Revenue Departments.

RECEIVED
28 FEB 1914
BANGALORE

Sir,

In forwarding herewith for orders the petition dated 9th January 1914 of Sarja Pathabhiramappa Naik a Polegar of the Tarikere family praying that the pension of Rs.126-9-0 which his aunt Honnama Nagathi was enjoying may be transferred to him, I beg to state as follows:-

Under order No.P.P.182 dated 13th June 1904, half the pension the petitioner till then was drawing as head Barawardar, was directed to be paid directly to his uncle Rungappa Naik as a Sub Barawardar. On Rungappa's death in 18th August 1910 his pension was sanctioned to his wife Honnamma Nagathi Vide Government Order No.Fl.767-8/S&A.285-10-4 dated 22nd May 1911. Honnamma is reported to have now died. The petitioner requests that her pension may now revert to him. The fact of Honnamma's death has been verified by the Amildar of Tarikere Taluk to whom the matter had been referred. Now that she is dead the successors to the pension are her husband's heirs, who are two, as will appear from the geneological tree herewith submitted. One is his nephew the petitioner and the Barawardar and the other is his daughter's son, the young Zamindar of Kangundi. In the matter of succession to Pollegar pensions, though the Hindu law is followed, it is not followed in its entirety. Strictly under the Hindu law the Zamindar as Rangappa Naik's Daughter's son would be the preferential heir to his estate, but such right has not always been allowed as it tends to take away the pension from the family. For

this

reason as well as also to the fact that the daughter's son— in this case is very well off being a Zamindar, I recommend that the pension in question may revert to the Barawardar and present petitioner Sarjapathabhiramappa Naik.

I have the honor to be,

Sir,

Your most obedient servant,

Assistant Comptroller
in charge,
State Huzur Treasury.

S.A.M.

Forward to the
Amildar of Tarikere for
Verification.

13/1/14

Genealogical tree of Darekere Polegar

Sarja Hanumappa Naik

Hutchu Hanumappa Naik

Immadi Hanumappa Naik

Sarja Hanumappa Naik

Krishnappa Naik

Immadi Hanumappa Naik

Sarja Hanumappa Naik

[illegible] Rangappa Naik

Dangulu Seetamma (Husband ~~(her husband)~~ (Raghunatha Naik)

Hanumappa Naik

Subbamma Naik (wife)

Boramma.

Hanumappa Naik

Rangappa [illegible]

[illegible] (Separate [illegible] Drawing Rs 90 [illegible] also reports this & is dead [illegible]

Sarja Hanumappa Naik

Krishnappa Naik

P-Ramappa Naik

Kempal Naik (Runaway)

Sarja Hanumappa Naik

⊙ Sarja Pattabhiramappa Naik (Formerly the full pension ~~½~~ Rs 253-2-0 & now enjoying half of it.

Jayaraja Ranganaik Bangalore (Retd) 28/4/1[illegible]

Sarja Hanumappa Naik Barawardar of [illegible]

Sarja Rangappa Naik (Had 2 wives) (Sub Pension Drawing Rs 126-9 & now deceased)

(1) wife died (The present Patel Hanumanna ~~married~~ the 2nd wife of a daughter of Kalyana Nayaki who died leaving a son Venkatappa Naik (a minor now under the Court of Wards & under [illegible] Election

died 1914

Fair Draft

G.R.S. 28]

Directs that Honnamma Nagatti's stipend be given to Sarja Pattabhiramabbe Naik.

File No. 384-13

Serial No. 2

Diary No. of letter replied to 3411

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.
(S & A)

READ— again,

, *the* 191 .

(1) G.O. No. P.C 182 dated the 13th June 1904, authorising the disbursement of one half of the monthly stipend of Rs 253.2.0 registered in the name of Sarja Pattabhiramappa Naik of the Pargi Kere Pallegar family, to Sarja Ramu Naik.

Date of issue 10th August 14

Signed by M L Narasimhaiah

(2) G.O. No. 5767-8 / S & A 285-10-4 dated the 22nd May 1911 sanctioning the continuance of such disbursement of the

over.

SUBJECT.

stipend to Hanumanna Nagathi,
widow of Rangappa Naik

Read also;—

Letter no. 172 of the 27th Feb'y 1914
from the Khazana Bakshi, S. M. Treasury,
reporting the death of Hanumanna
Nagathi on the 8th January 1914
leaving two legal heirs, viz.: (1)
Sarja Pattabhiramappa Naik, the
deceased's husband's brother's son,
(2) Venkatapathi Naik, the deceased's
daughter's son and young Zamindar
of Kangundi and recommending
that the deceased Hanumanna Nagathi's
share may revert to the former with
effect from the 9th January 1914.

Order thereon:— R. No. 623-4 of 10 August 14

Government are pleased to
direct that the vacant half-stipend
of Rs 126.9.0 may also be disbursed,
with effect from the 9th January 1914,
Sarja Pattabhiramappa Naik who
has been enjoying the other half

G1 B—20/000—2-10-11

of the pension in his own right.

G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

4.8.14.

Draw 25/4

Dy. Secretary to Govt,
Genl & Rev Deptt.

To

(1) The Khazana Bakshi, S.H. Treasury

(2) " Comptroller, Mysore Govt.

AM-67 SN
23.4.14

GPB—12,000—15-2-18.